

**FILED**

July 17, 2020

**OFFICE OF  
APPELLATE COURTS**

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against WILLIAM BERNARD BUTLER,  
a Minnesota Attorney,  
Registration No. 0227912.  
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**SUPPLEMENTARY PETITION  
FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility (Director) files this supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a June 11, 2020, petition for disciplinary action. Respondent remains indefinitely suspended pursuant to the Court's August 12, 2015, order. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

SECOND COUNT

Personal Use of a Trust Account While Suspended From the Practice of Law

5. Although respondent has been indefinitely suspended from the practice of law since August 26, 2015, he continued to maintain his Wells Fargo Bank trust account no. -8209 entitled "Butler Liberty Law LLC."

6. On August 13, 2019, respondent's trust account became overdrawn in the amount of \$243.68 after an electronic payment for a car lease ("Honda lease") was processed from the account.

7. On August 19, 2019, Wells Fargo Bank reported the overdraft to the Director as required by Rule 1.15(j) through (o), Minnesota Rules of Professional (MRPC).

8. On September 3, 2019, the Director issued a notice of investigation to respondent. When he failed to respond to the Director's multiple inquiries, the Director subpoenaed bank records for his trust account. See paragraph 23 below. These records showed a \$1.00 balance and no activity in the account during the period August 1, 2015, to May 19, 2019. However, on May 20, 2019, respondent deposited a \$10,000 personal check into the account then made several cash withdrawals and issued several checks, primarily to himself, over the next several months.

9. The Director's audit determined additional electronic payments for the Honda lease were processed from respondent's trust account on May 24, June 13, July 15, August 13, and September 13, 2019. A car insurance payment in the amount of \$342.50 to Progressive Insurance was also electronically processed from respondent's trust account on May 29, 2019.

10. Respondent deposited additional personal funds into his trust account, including mobile deposits in the amounts of \$21.83 on September 5, 2019, and \$760.00 on September 6, 2019.

11. On October 16, 2019, an electronic payment for the Honda lease generated a second overdraft notice and created a shortage in the amount of \$175.85. On November 13, 2019, the Director wrote to respondent and directed him to close his trust account, if he had not already done so, and to provide verification of closure.

12. Respondent responded to the Director's November 13, 2019, letter by email on November 13, 2019. Respondent stated that his trust account remained open and with a negative balance. Respondent stated, "t [sic] intend to close the account as soon as I am able if [Wells Fargo Bank] will allow it with a negative balance."

13. Between November and December 2019, respondent incurred three additional overdrafts on his trust account: a November 13, 2019, Honda lease payment resulted in a negative balance of \$447.85; a November 26, 2019, car insurance payment to Progressive Insurance resulted in a negative balance of \$690.35; and a December 3, 2019, car insurance payment to Progressive Insurance increased the negative balance in respondent's trust account to \$725.35.

14. Respondent's trust account was closed by Wells Fargo sometime later in December 2019.

15. On April 29, 2020, the Director emailed respondent and asked him to respond to the new overdrafts. By emails dated April 29, 2020, and June 23, 2020, respondent explained he was unable to open any other bank accounts with Wells Fargo so he deposited \$10,000 from a friend into his trust account. Respondent confirmed he arranged for electronic payments to Honda and Progressive Insurance to be made from his trust account.

16. Respondent's conduct in continuing to maintain a trust account following his suspension, use of the trust account to deposit and pay personal expenses and allowing overdrafts to occur on the account violated Rule 1.15(a), MRPC.

### THIRD COUNT

#### Holding Out as Authorized to Practice While Suspended

17. As stated in respondent's disciplinary history, he was admonished on January 27, 2017, for use of the title "General Counsel" in connection with his employment with a company.

18. During the period of respondent's suspension, he continued to maintain a website for his law firm, Butlerlibertylaw.com. As of mid-May 2019, this website contained the statement, "William Bernard Butler is a Minnesota attorney."

19. By letter dated May 16, 2019, the Director informed respondent that his website was misleading as to his license status and asked him to correct it. By email on May 30, 2019, respondent stated that his website was "currently down" but that if and/or when restored, he would change it to the status "is a non-practicing Minnesota attorney" and include a link to the oral argument on respondent's prior public discipline case. Respondent's website remains inoperative.

20. Respondent's conduct as holding himself out as authorized to practice while suspended violated Rules 5.5(b)(2) and 7.1, MRPC.

#### FOURTH COUNT

##### Failure to Cooperate with the Director

21. On September 3, 2019, the Director issued a notice of investigation to respondent regarding the trust account overdraft. The notice requested an explanation for the overdraft and respondent's trust account books and records for the period August 1, 2015, to the present. The notice was sent to the address respondent maintained with Minnesota Lawyer Registration, which was 707 North Third Street, Suite 203, Minneapolis, MN, 55401. The letter was not returned as undeliverable. Respondent failed to respond.

22. On September 18, 2019, the Director wrote again to respondent to request his response to the notice of investigation. The Director sent the letter to both respondent's lawyer registration address and to another residential address associated with respondent's girlfriend with whom the Director believed respondent resided. The copy that had been sent to respondent's lawyer registration address was subsequently

returned to the Director as undeliverable. The copy sent to the residential address was not returned to the Director. Respondent again failed to respond.

23. Also on September 18, 2019, as a result of respondent's failure to respond to the notice of investigation, the Director wrote to the Chair of the Lawyers Professional Responsibility Board (Chair) and, pursuant to Rule 8(c), RLPR, obtained an investigatory subpoena directed to Wells Fargo Bank to enable the Director to obtain respondent's trust account records. The Director received the bank records from Wells Fargo Bank on October 29, 2019.

24. On October 19, 2019, respondent sent an email to the Director stating:

The funds in the trust account are my funds. The reason they are in that account is because I could not open up a personal bank account after the tax trial. So the trust account was the only account I could use to deposit a gift from a friend meant to keep me afloat following being financially eviscerated by the State. The overdraft (I receive [sic] another one last week) is because I had set up the account to auto-pay on my car lease. I assumed that if there weren't enough funds in the account that the bank would reject the auto-pay. But they keep paying and it keeps over drafting [sic].

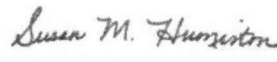
I would really like you to find something else to do. I haven't paid license fees since 2014 and have no intention of renewing my license.

Respondent subsequently answered additional questions regarding his trust account in April and June 2020. See paragraph 15 above.

25. Respondent's conduct in failing to cooperate with the Director's investigation violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the

Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

 Humiston, Susan  
Jun 29 2020 8:02 AM

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This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR,  
by the undersigned.

Dated: 7-16-20, 2020.

  
ROBIN WOLPERT  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD